

REMARKS

Claims 1-5 and 7-17 are in the application and have been rejected under 35 U.S.C. 103(a) as being unpatentable over Gabriel (USP 5,824,933) in view of Aoki et al. (USP 4,399,731). In response, Applicant herein proposes to amend independent claims 1 and 7 to emphasize certain distinctions of Applicant's presently claimed invention over the cited references.

Applicant notes the citation by the Examiner of a teaching in the Gabriel reference regarding "audio tracks 120". Applicant also agrees with the Examiner that such disclosure is not a teaching for automatic composition. This feature is now expressly recited in the current claims, and it is submitted that such claims patentably distinguish over Gabriel, whether or not combined with Aoki.

As noted previously, Applicant understands that Aoki seems to require an autocomposition mode (not including any playback function), pursuant to which autocomposed music of a limited form is generated and stored, as distinct from a concurrent composition and playback. With Aoki, at some later point in time, a playback mode may be initiated of a previously-composed composition, during which the stored, previously-composed music is played back. The currently presented claims, however, have been amended to more particularly claim aspects of the present invention, such as concurrent composition and playback, which does not seem possible with Aoki (in fact, Applicant submits that Aoki seems to teach away from concurrent composition and playback). The Examiner previously noted that this attribute of Applicant's invention was not required by the present claims; accordingly, Applicant has amended the claims to expressly recite this feature.

In short, while it is not totally clear to Applicant why or how one would attempt to combine the teachings of Gabriel with Aoki, Applicant submits that any such combination would not result in Applicant's claimed invention, in which concurrent autocomposition and playback are provided.

No additional fee is believed due. Please charge any additional fees due, or credit any overpayment, to Deposit Account No. 50-0251.

No new matter has been added.

Respectfully submitted,



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November 2, 2004
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